

# STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)
PERCY BROWN, <b>Complainant,</b>	) ) )
and	) )Charge No: 1993 CF 2786 )EEOC No: 21 B 931900 )ALS No: 8049
BOARD OF EDUCATION OF THE	)
CITY OF CHICAGO,	)
Respondent.	)

#### RECOMMENDED ORDER AND DECISION

This matter is before me on Respondent's Motion to Dismiss. Respondent filed a Motion to Dismiss on January 27, 1999 indicating that this matter had been settled on August 26, 1997.

# **Findings of Fact**

- 1. Complainant filed a Charge of Discrimination against the Respondent with the Illinois Department of Human Rights (Department) on April 19, 1993.
- 2. On March 7, 1994, the Department filed a Complaint on behalf of the Complainant alleging Complainant to have been aggrieved by practices of race discrimination in violation of the Illinois Human Rights Act (Act), 775 ILCS 5/1-101 et.seq.
- 3. Respondent filed an answer to the Complaint on May 26, 1994.
- 4. Parties appeared for a pre-hearing settlement conference on July 7, 1997.
- 5. An order was entered on July 7, 1997 indicating that the Parties had settled the matter and setting a status for August 10, 1997 to give Parties time to reduce the settlement terms to writing.
- 6. The record does not indicate what, if anything, occurred at the August 10, 1997 status.
- 7. The next order was entered on August 10, 1998, indicating that the matter was scheduled for status on that day, neither Party appeared for status, no motion for voluntary dismissal had been filed and setting the matter for status on September 14, 1998.
- 8. An order was entered September 14, 1998, ordering the Respondent to file a motion to dismiss and continuing the matter until September 28, 1998.
- 9. On September 24, 1998, Respondent filed a written motion to dismiss with a copy of a signed and dated Settlement Agreement and General Release attached.
- 10. On September 28, 1998, an order was entered taking the Respondent's motion under advisement.

- 11. On January 7, 1999, an order was entered ordering the Respondent to serve a copy of its Motion upon the Illinois Department of Human Rights and ordering Complainant to file a response to Respondent's motion to dismiss by January 19, 1999. The order warned Complainant that failure to do so would be deemed as acquiescence to said motion.
- 12. On January 27, 1999, Respondent served the motion upon the Department.
- 13. To date, Complainant has filed no response and there has been no further action on this case.

### **Discussion**

Respondent has submitted a copy of a Settlement Agreement and Release, which purports to have been signed by Complainant and his attorney and to have resolved all issues related to this Complaint. Further, Complainant has failed to file any response to Respondent's motion to dismiss, despite the Administrative Law Judge's January 7, 1999 warning that failure to do so would be deemed as acquiescence to said motion. As the Commission has previously stated, "We will not search the record to find reasons to deny a motion. If a motion appears valid on its face, and if the other side cannot tell us why the motion should not be granted, we will grant the motion." *Jones and Burlington Northern Railroad 25 Ill.HRC Rep. 101 at 102 (1986)*.

## **Conclusion of Law**

The record supports that this matter has been settled and Complainant's failure to oppose Respondent's motion justifies dismissal of this matter with prejudice.

### **Determination**

Respondent's motion should be granted, as it appears that this matter has been mutually resolved and Complainant has failed to present any opposition whatsoever to Respondent's motion.

#### Recommendation

I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

HUMAN RIGHTS COMMISSION
BY:
SABRINA M. PATCH
Administrative Law Judge
Administrative Law section

**ENTERED: November 8, 2001**